

06 FEB 2007



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

S. Peter Ludwig  
Darby & Darby, P.C.  
P.O. Box 5257  
New York, NY 10150-5257

In re Application of	:	
YAMAMOTO, et al.	:	
Application No.: 10/566,057	:	
PCT No.: PCT/JP04/10929	:	DECISION ON PAPERS
Int. Filing Date: 30 July 2004	:	
Priority Date: 01 August 2003	:	UNDER 37 CFR 1.42
Attorney Docket No.: 04703/0203798-US0	:	
For: BIOLOGICALLY NON-DEGRADABLE	:	
PEPTIDES, ANGIOTENSIN	:	
CONVERTING ENZYME INHIBITOR,	:	
DRUG AND FUNCTIONAL FOOD	:	

This decision is in response to the applicant's declaration filed 02 February 2007 in the United States Patent and Trademark Office (USPTO). The filed declaration is being treated as a request for status pursuant to 37 CFR 1.42. No petition fee is due.

**BACKGROUND**

On 30 July 2004, applicant filed international application PCT/JP04/10929, which claimed priority to an earlier application filed 01 August 2003. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 10 February 2005. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 01 February 2006.

On 25 January 2006, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1) and an Information Disclosure Statement.

On 12 September 2006, applicant filed an executed combined declaration and power of attorney.

On 02 February 2007, applicant filed a supplemental combined declaration and power of attorney.

**DISCUSSION**

37 CFR 1.42 When the Inventor is Dead, states, in part:

"In case of the death of the inventor, the legal representative (executor, administrator,

etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.”

Applicant's originally filed declaration of 12 September 2006 was non-compliant under 37 CFR 1.497(b) as it did not provide the citizenship, residence, and mailing address of both the deceased inventor and the legal representative. Applicant has presently provided a newly executed declaration which provide all of the required information for both the deceased inventor, Shingo Nishimura and the legal representative, Hideo Nishimura. Therefore, it is appropriate to grant applicant's petition at this time.

### CONCLUSION

Applicant's request for status under 37 CFR 1.42 is **GRANTED**.

This application has an international application filing date of 30 July 2004 and will be given a date of **02 February 2007** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the DO/EO/US for processing in accordance with this decision.



Derek A. Putonen  
Attorney Advisor  
Office of PCT Legal Administration  
Tel: (571) 272-3294  
Fax: (571) 273-0459